



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Ralph D’Esposito,  
Chief Security Guard (PC1027W),  
Bergen County

CSC Docket No. 2018-3720

Examination Appeal

**ISSUED:** September 6, 2018 (RE)

Ralph D’Esposito appeals the decision of the Division of Agency Services (Agency Services) which found that he was not permanent in a title to which the examination was open for Chief Security Guard (PC1027W), Bergen County.

The subject examination was announced with a closing date of April 23, 2018, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in the title of Supervising Security Guard. There were two applicants, and one was admitted and appeared on the eligible list which promulgated on June 14, 2018 but has not yet been certified.

The appellant’s permanent title as of the announced closing date was Security Guard. Thus, he was found not permanent in a title to which the examination was open. On appeal, the appellant states that he should be eligible as he has seven years with the County, the duties of the position are easy, he has college degrees, and he is a union shop steward. In furtherance of his appeal, he states that two individuals who he does not identify received promotions without regard to union contract stipulations, the examination will likely not be competitive, and he would like a classification review.

*N.J.A.C. 4A:4-2.6(a)* states in pertinent part that applicants for promotional examinations shall, by the application filing date, meet the criteria of having one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

*N.J.A.C.* 4A:4-2.4(a)1 provides, in pertinent part, that a promotional examination shall be open to the next lower in-series title used in the local jurisdiction.

### CONCLUSION

In the instant matter, the appellant was correctly found ineligible for the subject examination as he was not permanent in a title to which the examination was open, as he is not in the title Supervising Security Guard. Additionally, the appellant does not have standing to make a request to expand the title scope, regardless of the number of applicants. As permitted by *N.J.A.C.* 4A:4-2.4(a)1, this examination was open only to title scope, and experience and education were not factors in determining eligibility.

If the appellant believes he is working out-of-title as a Supervising Security Guard, he should request a classification review of his position in accordance with *N.J.A.C.* 4A:3-3.9(d). An eligibility appeal is not the forum to request a classification review or to review a union contract grievance. It is noted that experience gained in an acting capacity in any title cannot be considered toward eligibility, and working in an acting capacity is not a compelling reason to expand the title scope.

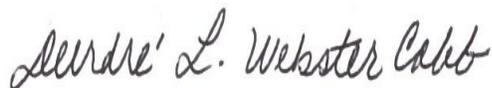
A thorough review of all material presented indicates that the decision of Agency Services, that appellant did not meet the announced requirements for eligibility by the examination closing date, is amply supported by the record and appellant provides no basis to disturb that decision. Thus, appellant has failed to support his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 5<sup>th</sup> DAY OF SEPTEMBER, 2018



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